

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1049 because it conflicts with SEA 257-2003 without properly recognizing the existence of SEA 257-2003, has had Engrossed House Bill 1049 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1049 be corrected as follows:

- 1 Page 2, after line 19, begin a new paragraph and insert:
- 2 "SECTION 2. IC 10-13-3-36, AS ADDED BY SEA 257-2003,
- 3 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2003]: Sec. 36. (a) The department may not charge a fee for
- 5 responding to a request for the release of a limited criminal history
- 6 record if the request is made by a nonprofit organization:
- 7 (1) that has been in existence for at least ten (10) years; and
- 8 (2) that:
- 9 (A) has a primary purpose of providing an individual
- 10 relationship for a child with an adult volunteer if the request
- 11 is made as part of a background investigation of a prospective
- 12 adult volunteer for the organization;
- 13 (B) is a home health agency licensed under IC 16-27-1;
- 14 (C) is a community mental retardation and other
- 15 developmental disabilities center (as defined in IC 12-7-2-39);
- 16 or
- 17 (D) is a supervised group living facility licensed under
- 18 IC 12-28-5;
- 19 (E) is an area agency on aging designated under
- 20 IC 12-10-1;
- 21 (F) is a community action agency (as defined in
- 22 IC 12-14-23-2);
- 23 (G) is the owner or operator of a hospice program licensed
- 24 under IC 16-25-3; or
- 25 (H) is a community mental health center (as defined in

1 **IC 12-7-2-38).**

2 (b) The department may not charge a fee for responding to a request
3 for the release of a limited criminal history record made by the division
4 of family and children or a county office of family and children if the
5 request is made as part of a background investigation of an applicant
6 for a license under IC 12-17.2 or IC 12-17.4.

7 (c) The department may not charge a fee for responding to a request
8 for the release of a limited criminal history if the request is made by a
9 school corporation, special education cooperative, or non-public school
10 (as defined in IC 20-10.1-1-3) as part of a background investigation of
11 an employee or adult volunteer for the school corporation, special
12 education cooperative, or nonpublic school."

(Reference is to EHB 1049 as printed March 19, 2003.)

Representative Pelath, Chairperson

Representative Whetstone, R.M.M.

Representative Frenz, Author